

AMENDED IN ASSEMBLY MAY 15, 2003

AMENDED IN ASSEMBLY APRIL 29, 2003

AMENDED IN ASSEMBLY APRIL 7, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1009

Introduced by Assembly Member Pavley
(Coauthor: Senator Kuehl)

February 20, 2003

An act to amend, *add, and repeal* Section 97 of the Streets and Highways Code, and to amend Section 627 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1009, as amended, Pavley. Vehicles: violations: engineering and traffic surveys.

(1) Existing law, until January 1, 2004, requires the Department of Transportation, in consultation with the Department of the California Highway Patrol, to develop specified pilot projects to designate and identify certain highway segments as “Safety Enhancement-Double Fine Zones” and impose increased fines for traffic violations occurring within these zones.

This bill would ~~extend the operation of this provision until January 1, 2005. The bill would~~ require the department to develop a pilot project for a specified segment of the Pacific Coast Highway and, on or before ~~January 1, 2005~~ *December 31, 2004*, report to the Legislature on the results of the pilot project.

(2) Existing law defines an engineering and traffic survey to be a survey of highway and traffic conditions in accordance with methods determined by the Department of Transportation, and lists factors that must be included in a survey.

This bill would require the department to, in addition to the existing factors, consider other specified factors, when conducting an engineering and traffic survey for the segment of the Pacific Coast Highway within the jurisdictional limits of the City of Malibu.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 97 of the Streets and Highways Code is
2 amended to read:
3 97. (a) The department, in consultation with the Department
4 of the California Highway Patrol, shall develop pilot projects in
5 both northern and southern California. The portions of the
6 highways involved in the projects shall be designated and
7 identified as “Safety Enhancement-Double Fine Zones” and shall
8 be in the following locations:
9 (1) On Route 37, between the intersection with Route 121 and
10 the intersection with Route 29.
11 (2) On Route 4, between the city limits of Brentwood and the
12 Contra Costa-San Joaquin county line.
13 (3) On Route 74, at both of the following locations:
14 (A) Between the intersection with Route 5 and the intersection
15 with the Riverside-Orange county line.
16 (B) Between the junction with Route 15 and the intersection
17 with Seventh Street in the City of Perris.
18 (4) On Route 46, between the intersection with Route 101 and
19 the junction with Route 41.
20 (5) On the Golden Gate Bridge.
21 (6) On Route 12, between the intersection with Walters Road
22 in the City of Suisun and the intersection with Lower Sacramento
23 Road in the City of Lodi.
24 (7) On Route 138, between the intersection with Avenue T and
25 Pearblossom Highway and the intersection with Interstate
26 Highway Route 15.
27 (8) On Route 101, at both of the following locations:



1 (A) Between the intersection with Boronda Road and the
2 intersection with the San Benito-Monterey county line.

3 (B) The five-mile segment between the Eureka Slough Bridge
4 No. 4-22 to the Gannon Slough Bridge No. 4-24 in Arcata.

5 (9) On Route 152, between the junction with Route 156 at the
6 Don Pacheco “Y” and the intersection with Ferguson Road.

7 (10) On Route 2, between the city limits of La Canada
8 Flintridge and the intersection with Route 39.

9 (11) On the Pacific Coast Highway between the intersections
10 of Topanga Canyon Boulevard and Decker Canyon Road.

11 (b) (1) The department shall adopt rules and regulations
12 prescribing uniform standards for warning signs to notify
13 motorists that, pursuant to Section 42010 of the Vehicle Code,
14 increased penalties apply for traffic violations that are committed
15 within Safety Enhancement-Double Fine Zones. The rules and
16 regulations adopted by the department shall include, but not be
17 limited to, a requirement that Safety Enhancement-Double Fine
18 Zones be identified with signs stating: “Special Safety Zone
19 Begins Here” and “Special Safety Zone Ends Here.”

20 (2) The department or local authorities, with respect to
21 highways under their respective jurisdictions, shall place and
22 maintain the warning signs specified in paragraph (1) in areas
23 designated under subdivision (a).

24 (3) The department shall report to the Legislature on January
25 1, 2003, on the results of these pilot projects with the exception of
26 those described in paragraph (2), subparagraph (B) of paragraph
27 (8), and paragraph (11), of subdivision (a), including a
28 determination of whether the projects were successful. In its
29 report, the department shall update the January 1, 1998, report, and
30 shall provide a detailed analysis on the impact of the pilot projects
31 on highway safety, including, but not limited to, the number of
32 accidents, traffic injuries, and fatalities in the project areas; and,
33 in consultation with the Department of the California Highway
34 Patrol, recommend specific criteria for designation of a highway
35 as a Safety Enhancement-Double Fine Zone. A determination that
36 the projects were successful shall be based upon a showing that a
37 statistically significant decrease in the number of accidents, traffic
38 injuries, and fatalities has occurred in the project areas. The
39 department shall report to the Legislature on or before January 1,
40 2004, on the results of the pilot projects described in paragraph (2)

1 of, and subparagraph (B) of paragraph (8) of, subdivision (a). The
2 department shall report to the Legislature on or before January 1,
3 2005, on the results of the pilot project described in paragraph (11)
4 of subdivision (a).

5 (c) Designation of a highway as a Safety Enhancement-Double
6 Fine Zone does not increase the civil liability of the state under
7 Division 3.6 (commencing with Section 810) of Title 1 of the
8 Government Code or any other provision of law relating to civil
9 liability.

10 (d) (1) Only the base fine shall be enhanced pursuant to this
11 section.

12 (2) Notwithstanding any other provision of law, any additional
13 penalty, forfeiture, or assessment imposed by any other statute
14 shall be based on the amount of the base fine before enhancement
15 or doubling and shall not be based on the amount of the enhanced
16 fine imposed pursuant to this section.

17 (e) The pilot projects specified in subdivision (a) shall not be
18 elevated in priority for state funding purposes.

19 (f) (1) Subject to paragraph (3), the County of Monterey, in
20 consultation with the Department of the California Highway
21 Patrol, shall establish and administer a Safety
22 Enhancement-Double Fine Zone pilot project that meets all of the
23 requirements of this section on County Road 16 (also known as
24 Carmel Valley Road) between the junction with Route 1 and the
25 junction with Camp Stefani Road. The county shall assume all
26 responsibilities that would otherwise accrue to the department for
27 the administration of a pilot project under this section and shall
28 administer the pilot project in accordance with the rules and
29 regulations adopted by the department for the administration of a
30 Safety Enhancement-Double Fine Zone.

31 (2) The county, in consultation with the California Highway
32 Patrol, shall coordinate the evaluation of the Carmel Valley Road
33 pilot project with the department to enable inclusion of that
34 evaluation in the report submitted by the department to the
35 Legislature under paragraph (3) of subdivision (b).

36 (3) (A) The county shall submit the evaluation described in
37 paragraph (2) to the department on or before January 1, 2004.

38 (B) If the county fails to submit the evaluation on or before
39 January 1, 2004, that failure shall result in the immediate

1 termination of the Carmel Valley Road pilot project authorized in
2 this subdivision.

3 (g) This section shall remain in effect only until January 1,
4 ~~2005~~ 2004, and as of that date is repealed, unless a later enacted
5 statute, which is enacted before January 1, ~~2005~~ 2004, deletes or
6 extends that date.

7 SEC. 2. *Section 97 is added to the Streets and Highways Code,*
8 *to read:*

9 97. (a) *The department, in consultation with the Department*
10 *of the California Highway Patrol shall develop a pilot project on*
11 *the Pacific Coast Highway between the intersection of Topanga*
12 *Canyon Boulevard and Decker Canyon Road. That portion of the*
13 *highway shall be designated and identified as "Safety*
14 *Enhancement-Double Fine Zone."*

15 (b) (1) *The department shall adopt rules and regulations*
16 *prescribing uniform standards for warning signs to notify*
17 *motorists that, pursuant to Section 42010 of the Vehicle Code,*
18 *increased penalties apply for traffic violations that are committed*
19 *within a Safety Enhancement-Double Fine Zone. The rules and*
20 *regulations adopted by the department shall include, but not be*
21 *limited to, a requirement that a Safety Enhancement-Double Fine*
22 *Zone is identified with signs stating: "Special Safety Zone Begins*
23 *Here" and "Special Safety Zone Ends Here."*

24 (2) *The department or local authorities, with respect to*
25 *highways under their respective jurisdictions, shall place and*
26 *maintain the warning signs specified in paragraph (1) in the area*
27 *designated under subdivision (a).*

28 (3) *The department shall report to the Legislature on or before*
29 *December 31, 2004, on the results of the pilot project. In its report,*
30 *the department shall update the January 1, 1998, and the January*
31 *1, 2004, reports, and shall provide a detailed analysis on the*
32 *impact of the pilot project on highway safety, including, but not*
33 *limited to, the number of accidents, traffic injuries, and fatalities*
34 *in the project area; and, in consultation with the Department of the*
35 *California Highway Patrol, recommend specific criteria for*
36 *designation of a highway as a Safety Enhancement-Double Fine*
37 *Zone. A determination that the project was successful shall be*
38 *based upon a showing that a statistically significant decrease in*
39 *the number of accidents, traffic injuries, and fatalities has*
40 *occurred in the project areas.*

1 (c) *The designation of the highway as a Safety*
2 *Enhancement-Double Fine Zone does not increase the civil*
3 *liability of the state under Division 3.6 (commencing with Section*
4 *810) of Title 1 of the Government Code or any other provision of*
5 *law relating to civil liability.*

6 (d) (1) *Only the base fine shall be enhanced pursuant to this*
7 *section.*

8 (2) *Notwithstanding any other provision of law, any additional*
9 *penalty, forfeiture, or assessment imposed by any other statute*
10 *shall be based on the amount of the base fine before enhancement*
11 *or doubling and shall not be based on the amount of the enhanced*
12 *fine imposed pursuant to this section.*

13 (e) *The pilot project specified in subdivision (a) shall not be*
14 *elevated in priority for state funding purposes.*

15 (f) *This section shall become operative on January 1, 2004, and*
16 *shall remain in effect only until January 1, 2005, and as of that date*
17 *is repealed, unless a later enacted statute, that is enacted before*
18 *January 1, 2005, deletes or extends that date.*

19 SEC. 3. Section 627 of the Vehicle Code is amended to read:

20 627. (a) “Engineering and traffic survey,” as used in this
21 code, means a survey of highway and traffic conditions in
22 accordance with methods determined by the Department of
23 Transportation for use by state and local authorities.

24 (b) An engineering and traffic survey shall include, among
25 other requirements deemed necessary by the department,
26 consideration of all of the following:

27 (1) Prevailing speeds as determined by traffic engineering
28 measurements.

29 (2) Accident records.

30 (3) Highway, traffic, and roadside conditions not readily
31 apparent to the driver.

32 (c) When conducting an engineering and traffic survey, local
33 authorities, in addition to the factors set forth in paragraphs (1) to
34 (3), inclusive, of subdivision (b) may consider all of the following:

35 (1) Residential density, if any of the following conditions exist
36 on the particular portion of highway and the property contiguous
37 thereto, other than a business district:

38 (A) Upon one side of the highway, within a distance of a quarter
39 of a mile, the contiguous property fronting thereon is occupied by
40 13 or more separate dwelling houses or business structures.

1 (B) Upon both sides of the highway, collectively, within a
2 distance of one-quarter of a mile, the contiguous property fronting
3 thereon is occupied by 16 or more separate dwelling houses or
4 business structures.

5 (C) The portion of highway is longer than one-quarter of a
6 mile, but has the ratio of separate dwelling houses or business
7 structures to the length of the highway described in either
8 subparagraph (A) or (B).

9 (2) Pedestrian and bicyclist safety.

10 (d) When conducting an engineering and traffic survey for the
11 Pacific Coast Highway within the jurisdictional limits of the City
12 of Malibu in Los Angeles County, the Department of
13 Transportation, in addition to the factors set forth in paragraphs (1)
14 to (3), inclusive, of subdivision (b), shall consider all of the
15 following:

16 (1) Pedestrian and bicyclist safety.

17 (2) Visual and nonmotorized distractions.

18 (3) The presence and use of residential access, parking lots, and
19 on-street parking.

20 (4) Frequency of left-hand turns or u-turns.

